
Appeal Decision

Site visit made on 29 May 2019

by Rebecca McAndrew BA Hons, PG Dip Urban Design, MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 September 2019

Appeal Ref: APP/F0114/W/19/3224299

8 Teddington Close, Bath BA2 1HT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Paul Ealey against the decision of Bath and North East Somerset Council.
 - The application Ref 18/01054/FUL, dated 10 April 2018, was refused by notice dated 18 December 2018.
 - The development is the change of use of 5-bed house to an 8-bed house of multiple occupation (HMO) (Use Class Sui Generis).
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Decision

1. The appeal is allowed and planning permission is granted for the change of use of a 5-bed house to an 8-bed house of multiple occupation (HMO) (Use Class Sui Generis) in accordance with the terms of the application, Ref 18/01054/FUL, dated 10 April 2018, subject to the following conditions:
 1. The development hereby permitted shall be carried out in strict accordance with the following approved drawings: original layout, proposed layout, site location plan.
 2. The site/building shall be managed and occupied in accordance with the contents of the HMO Management Plan dated December 2018.

Procedural Matters

2. In the banner heading above, I have taken the description of development from the Council's refusal notice as this accurately and precisely describes the appeal proposal. I have not included the reference to the proposal being "retrospective" as this is not in itself an act of development. Nonetheless, the appeal is being considered on the basis that the appeal building is already in use as an 8-bed HMO.

Main Issue

3. The main issue is the whether the change of use has led to an over concentration of Houses in Multiple Occupation (HMOs) and its effect on the balance and mix of housing types in the area.

Reasons

4. The Houses in Multiple Occupation in Bath SPD (2013) (SPD) sets out the Council's approach to the distribution and dispersal of HMOs. It encourages an appropriately balanced housing mix, supporting a wide variety of households in

all areas. The SPD establishes a two-stage test: firstly, requiring an assessment of whether a building is within 50 metres of a Census Output Area in which HMO properties represent more than 10% of the households; and, secondly, requiring assessment of whether the density of HMOs within a 100 metre radius exceeds the threshold. The Council and the appellant agree that, given that the site fails the first test but meets the second test, the change of use of this property meets the requirements of the SPD.

5. Whilst the proposal meets the requirements of the HMO SPD, the Council considers that, given the distinct character and self-contained nature of the cul de sac, it would be appropriate to consider the scheme in light of the level of concentration of HMOs with Teddington Close. The Council indicate that in a recent appeal decision (ref: APP/F0114/W/17/3179461) the Inspector accepted this approach. I acknowledge the appellant's concerns regarding what they consider to be a bespoke approach, stating that the circumstances in the previous appeal differ to the scheme before me. Notwithstanding this, I note that the development has resulted in 2 HMOs within the cul de sac, which equates to 14% of properties. Given that this is only marginally above the 10% test within the SPD, this would not in any event alter my view that the level of HMOs in Teddington Close does not harm the balance and mix of housing types.
6. In conclusion, the proposal has not resulted in an overconcentration of HMOs within Teddington Close and therefore is not detrimental to the mixture of size, type and affordability of accommodation available in the locality. The development therefore accords with Policy CP10 of the Bath and North East Somerset Core Strategy (2014), Policy H2 of the District-wide Strategy and Policies (2017) and the SPD which, taken together, seek to avoid high concentrations of HMOs in order to secure a variety of high quality housing types to help support mixed and inclusive communities.

Other matters

7. I note local resident concerns regarding the impact of the change of use on parking, the level of vehicle movements and neighbours' living conditions, in terms of increased levels of rubbish and noise and disturbance. I recognise that, given that Teddington Close is a small cul de sac, the effects of a HMO on the nature of the street would be more pronounced than in other areas.
8. However, at my site visit I did not observe any significant problems relating to litter in the vicinity of the property. Also, whilst I noted some on-street parking in the vicinity of the site, I was not able to see any evidence of very significant on-street car parking problems. In addition, I have considered the views expressed by the Highways Officer and the Council that owing to the accessible location of the site, as well as the nature of the proposed use, the development is not likely to have an adverse impact on highway safety or the convenient movement of vehicles in the cul-de-sac.
9. The appellant has submitted details of a management plan for the site. This would sufficiently mitigate any potential adverse effects on the living conditions of the occupiers of neighbouring properties. This is a matter that can be controlled by means of the imposition of a planning condition.

10. None of the other matters raised alter or outweigh my overall conclusion on the main issue.

Conditions

11. It is necessary to impose a condition in respect of the approved drawings, for the avoidance of doubt and in the interests of certainty.
12. In the interests of the living conditions of the occupiers of neighbouring properties, it is necessary to impose a condition requiring the HMO to be managed and occupied in accordance with a submitted management plan.

Conclusion

13. For the reasons outlined above, and taking into account all other matters raised, I conclude that the appeal should be allowed.

Rebecca McAndrew

INSPECTOR